

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*

Defendants

69cv07941-KWR/KK

RIO CHAMA STREAM SYSTEM

Section 1: Rio del Oso & Rio Vallecito

Subfile No.: CHRO-001-0001

**APPLICATION FOR ENTRY OF DEFAULT**  
**IN SUBFILE NO. CHRO-001-0001**

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer, (“State”) and requests the Clerk of Court, pursuant to Fed. R. Civ. P. 55(a), to enter the default of the following named defendant for failure to answer or otherwise plead:

**GRACE GUTIERREZ**

**Subfile No.: CHRO-001-0001**

Pursuant to the *Procedural Order for the Adjudication of Water Rights Claims in the Rio del Oso & Rito Vallecitos in Section 1 of the Rio Chama Stream System*, (Doc. 11119, filed 06/28/2016), which guides this adjudication, Defendant Grace Gutierrez was joined and served by publication of the *Notice of Pendency of Suit* in the *Rio Grande Sun* published once a week for three consecutive weeks, beginning on August 11, 2016, and ending on August 25, 2016. (See Docs. 11156 and 11156-1, filed 09/27/2016).

The undersigned certifies that no answer, appearance, or other pleading has been served upon the plaintiff's attorneys by the above-named defendant.

WHEREFORE the State requests that the Clerk of Court enter a Certificate of Default of the above-named defendant, and pursuant to this Court's February 4, 2013, *Order* (Doc. 10891), mail a copy of the Certificate of Default to Defendant at the following address:

Grace Gutierrez  
P.O. Box 863  
Española, NM 87532

Respectfully Submitted,

/s/ Edward C. Bagley  
EDWARD C. BAGLEY  
Special Assistant Attorney General  
Office of the State Engineer  
P.O. Box 25102  
Santa Fe, NM 87504-5102  
(505) 827-7844

**CERTIFICATE OF SERVICE**

I certify that on August 1, 2022, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

Additionally, I have mailed a copy of this application to Defendant Grace Gutierrez at the following address:

Grace Gutierrez  
P.O. Box 863  
Española, NM 87532

/s/ Edward C. Bagley  
Edward C. Bagley